

VARNUM, RIDDERING, SCHMIDT & HOWLETT^{LLP}

ATTORNEYS AT LAW

BRIDGEWATER PLACE
POST OFFICE BOX 352 · GRAND RAPIDS, MICHIGAN 49501-0352
TELEPHONE 616 / 336-6000 · FAX 616 / 336-7000

US EPA RECORDS CENTER REGION 5



471420

DIRECT DIAL 616 / 336-6733

MARK M. DAVIS

LICENSED TO PRACTICE IN MICHIGAN AND WISCONSIN

September 13, 1995

VIA FEDERAL EXPRESS

Ms. Evette Jones HSM-5J
Responsible Party Search Section
U.S. Environmental Protection Agency
Region V
77 West Jackson Blvd.
Chicago, IL 60604-3590

RECEIVED
SEP 15 1995

SUPERFUND PROGRAM
MANAGEMENT BRANCH

Re: Albion-Sheridan Township Landfill "Superfund" Site
(Calhoun County, MI)

Dear Ms. Jones:

This firm represents the City of Albion with regard to the above-referenced site. Pursuant to the U.S. EPA's Request for Information directed to the City of Albion, dated August 11, 1995 (and received by the City August 14, 1995) enclosed please find an original and two copies of a verified Affidavit of the City of Albion.

On behalf of the City of Albion, we consider that the City has fully responded to this U.S. EPA's CERCLA § 104(e) Request for Information. Please advise the undersigned immediately upon receipt of this transmittal if you determine our response to be in any respect inadequate.

Very truly yours,

VARNUM, RIDDERING, SCHMIDT & HOWLETT^{LLP}

Mark M. Davis

MMD/tas
Enclosures

cc: Kevin Markovich (City of Albion)

AFFIDAVIT

STATE OF MICHIGAN)
) ss.
COUNTY OF CALHOUN)

KEVIN MARKOVICH, being first duly sworn, deposes and says:

1. This Affidavit has been made in response to the request for information made by the U.S. Environmental Protection Agency ("EPA") under CERCLA § 104(e) in connection with the Albion-Sheridan Township Landfill Site, located in Sheridan Township Michigan. The request for information, which is dated August 11, 1995, was received by the City of Albion (the "City") on August 14, 1995. Statements made in this Affidavit are, to the best of my ability and knowledge, true and, if called as a witness, I can testify competently as to the truth of the statements made in this Affidavit.

2. I am the Laboratory Supervisor for the City of Albion Wastewater Treatment Plant. This Affidavit is based upon my personal knowledge gained during the period of my employment with the City of Albion (the "City") from 1980 to the present, a review of relevant City records and other public sources of information, and discussions held with other City employees.

3. U.S. EPA Request No. 1:

"Please provide a list of the names and addresses of waste haulers that were franchised by the City of Albion during the years 1965 through 1985."

City's Response to Request No. 1:

Based on the City's review of City records, and pursuant to discussions held with other City employees, the City has never entered into a "franchise" with any waste hauler, during the years 1965 through 1985 (the "period in question") or at any other time.

In response to an earlier request from Kurt Lindland (U.S. EPA, Region V, Office of Regional Counsel), the City provided a list of three private haulers operating in the City from 1966-1980, based upon a review of City records. The haulers listed were Albion Sanitation Service; Turner's Sanitation Service; and Scott's Sanitation Service. (A copy of the City's February 2, 1993, response to Mr. Lindland is attached.)

In response to this request, the City has again reviewed its public records, but has found no further information regarding private haulers during the period in question. However, based upon a review of telephone books, business directories, etc., it appears that the following additional private haulers may have operated in the City during that period: Professional Refuse (owner, Marvin Trout; first mentioned 1984); Roy's Sanitation (owner

unknown; appeared in directories 1971-1972); and Rockwell Refuse (owner unknown; directory indicated operated out of Homer, serving Albion area, first mentioned in 1984).

4. U.S. EPA Request No. 2:

"Please provide any records, accounts, or other documents relating to services provided by the waste haulers identified in Request No. 1."

City's Response to Request No. 2:

For at least some portion of the period in question, the City required private haulers to obtain a "license" to collect municipal solid waste in the City. The license requirements were intended to ensure that the haulers' trucks were properly identified, kept clean and in good condition, free from odor, etc.

The only documents that the City has been able to find are copies of licenses issued by the City to two private waste haulers, Tommie Turner (Turner's Sanitation Service) (issued 1/24/79) and Albion Sanitary Service (issued 11/19/1980), to operate sanitary services within the City. The copies of these two licenses were provided to Mr. Lindland pursuant to the City's February 2, 1993, response (attached). No further "records, accounts, or other documents" relating to private waste haulers could be located by the City for the period in question, and additional records may not exist.

5. U.S. EPA Request No. 3:

"Please provide copies of the franchise agreements and any other contracts or agreements relating to the City's franchise arrangements with waste haulers during the period 1965 through 1985."

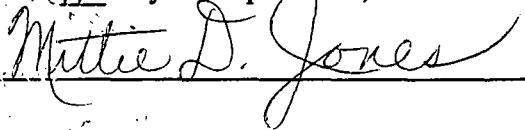
City's Response to Request No. 3:

As indicated in response to Request No. 1, there is no information indicating that the City ever entered into a franchise agreement with any waste hauler, and there are no known copies of any franchise agreements or other contracts or agreements relating to City franchise arrangements.

Further this Affiant sayeth not.


Kevin Markovich

Subscribed and sworn to before me
this 11 day of September, 1995.


Mittie D. Jones

Notary Public, Calhoun County, MI
My Commission Expires: _____

MITTIE D. JONES
Notary Public, Calhoun County, Michigan
My Commission Expires September 22, 1997